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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/729,660	12/04/2000	Donald F. Gordon	19880003810	6347

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PATTERSON & SHERIDAN, LLP/
SEDNA PATENT SERVICES, LLC
595 SHREWSBURY AVENUE
SUITE 100
SHREWSBURY, NJ 07702

EXAMINER

SALCE, JASON P

ART UNIT	PAPER NUMBER
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2623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/729,660

Applicant(s)

GORDON ET AL.

Examiner

Jason P. Salce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-21, 23, 24 and 26-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-21, 23-24, 26-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 18-29 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 18-19, 21, 23-24 and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanaya et al. (U.S. Patent No. 6,519,009) in view of White et al. (U.S. Patent No. 5,596,373).

Referring to claim 18, Hanaya discloses providing a user interface having included therein a plurality of regions (see Figure 19 for a user interface having a plurality of regions).

Hanaya also discloses receiving a bitstream (see Column 6, Line 62 through Column 7, Line 7) comprising packets (see Column 9, Lines 46-49) for a plurality of slices (programs in Figure 19) for a guide region of the user interface (see Figure 19 for the guide region containing programs), wherein each slice is designated for presentation at a particular slice location in the guide region (see again Figure 19 for

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each program/slice being designated in a specified channel slot/slice location), wherein multiple slices are received for each of at least one slice location in the guide region (see again Figure 19 for each channel slot (slice location) containing multiple programs (slices)), wherein the slices are received as a plurality of sets of slices (see Column 10, Lines 59-60 and Figure 12 for the programs (slices) being received as a plurality sets by dividing the programs into categories).

Hanaya also discloses retrieving from the bitstream packets a first and second one of the sets of slices for the guide region (see Column 11, Lines 46-58 for retrieving the EPG data for display).

Hanaya also discloses decoding the retrieved packets for the first and second one of the sets of slices to form the guide region of the user interface (see Column 11, Lines 58-61 for decoding the EPG and Figure 19 for using the EPG data to form the guide region including programs in the channel slots).

Although Hanaya discloses that the decoding step can be a sort function, Hanaya fails to disclose that the decoding (sorting) the retrieved packets for the second one of the sets of slices is for updating at least one of the slice locations of the guide region of the user interface. The examiner notes that the sets of slices has been interpreted by the examiner to be various categories, therefore, Hanaya fails to disclose sorting by category.

White discloses an identical system (same assignee) for receiving and processing the EPG data. White further discloses the improvement of using the category portions of the EPG data and sorting the programs (slices) according to a

specified category (see Column 6, Line 14 through Column 8, Line 64). Therefore, White clearly teaches decoding (sorting) the retrieved packets for the second one of the sets of slices (a second category) to update at least one of the slice locations (channel slot) of the guide region of the user interface (by only displaying programs for the Disney channel in Figure 14).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the program guide region of programs in respective channel slots, as taught by Hanaya, to include the category sorting functionality, as taught by White, for the purpose utilizing an innovative method and system for providing the large amounts of television program information to user in the a simply and easy to use format (see Column 8, Lines 65-67 of White).

Referring to claim 19, Hanaya discloses and presenting the plurality of sets of slices in the guide region (see Figure 19) at times designated by the header associated with the slices (see Figure 12 for the header containing the start time and time length of when the program is to be displayed in the program guide).

Referring to claim 21, Hanaya discloses receiving a user selection for a particular slice location of the guide region (see Figure 18 for the selection of the General Guide slice location).

Hanaya also discloses retrieving from the bitstream, packets for an additional slice associated with the selected slice location (see Figure 12 for receiving numerous channels and programs).

Hanaya also discloses decoding the retrieved packets for the additional slice (see Column 9, Line 65 through Column 10, Line 6) to form an updated user interface having included therein the additional slice (see Figure 19 for the display of the General Guide selection, which displays an updated user interface based on the current time of day the viewer activates the program guide).

Referring to claim 23, Hanaya discloses that the header for each slice is a slice start code defined by the MPEG-2 standard (see Column 6, Lines 7-24).

Referring to claim 24, Hanaya discloses that each decoded slice is presented at a location identified by the header (see Figure 19 for programs being displayed at on their respective channels and start and end times).

Referring to claim 26, Hanaya discloses recombining the slices for the guide region with slices for at least one additional region in the user interface (see Figure 19 for the program description window, which displays a description of the program highlighted in element 212). The examiner notes that everytime a particular slice is selected in the guide region then a slice representing the program description will be displayed in the additional region in the user interface.

Referring to claim 27, Hanaya discloses that the recombining is performed in accordance with a splicing syntax defined by the MPEG-2 standard (see Column 10, Lines 1-17 for decoding the EPG data according to the MPEG-2 standard, therefore the program title data and the program description that are displayed together according to the data separated and then recombined on the screen according to the MPEG-2 standard).

Referring to claim 28, see the rejection of claim 18.

Referring to claim 29, Hanaya discloses that one or more encoded slices for each slice location include guide data for an interactive program guide (see Figures 12 and 19).

3. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hanaya et al. (U.S. Patent No. 6,519,009) in view of White et al. (U.S. Patent No. 5,596,373) in further view of Ihara (U.S. Patent No. 6,266,813).

Referring to claim 20, Hanaya and White disclose all of the limitations of claim 18, as well as multiplexing the program guide data (plurality of sets of slices) at Column 2, Line 61 through Column 3, Line 11, but fails to teach the use of a time division multiplexing scheme.

Ihara discloses the use of a TDM scheme for combining program guide data along with television programs (see Column 3, Line 66 through Column 4, Line 19).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the multiplexing method, as taught by Hanaya and White, using the TDM method, as taught by Ihara, for the purpose of allowing more data to be sent over a physical medium and providing a better quality of service.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason P Salce
Primary Examiner
Art Unit 2623

January 10, 2007

JASON SALCE
PRIMARY PATENT EXAMINER

A handwritten signature in black ink, appearing to read 'Jason Salce', with a long horizontal flourish extending to the right.